

REMARKS/ARGUMENTS

Reconsideration and allowance in view of the foregoing amendments and the following remarks are respectfully requested.

Applicant and the undersigned wish to thank Examiner Lavinder for the courtesies extended during the telephone interview of November 2, 2007. The Amendment discussed during the interview, revised per the Examiner's suggestions, is presented above and the arguments presented are repeated herein for the record.

On March 30, 2007 an Information Disclosure Statement with Form PTO/SB/08a was filed in the subject application. As of the present date, however, the initialed and dated Form PTO/SB/08a has not been returned to the offices of the undersigned. Please return a copy of the initialed Form/SB/08a to us as soon as possible so that our file in this regard is complete.

In the Official Action, claims 30 and 32-34 were rejected under 35 U.S.C. § 102(b) as being anticipated by Perez. Applicant respectfully traverses this rejection.

Anticipation under Section 102 of the Patent Act requires that a prior art reference disclose every claim element of the claimed invention. See, e.g., Orthokinetics, Inc. v. Safety Travel Chairs, Inc., 806 F.2d 1565, 1574 (Fed. Cir. 1986). The absence of any element of the claim from the cited reference negates anticipation. See, e.g., Structural Rubber Prods. Co. v. Park Rubber Co., 749 F.2d 707, 715 (Fed. Cir. 1984).

Claim 30 has been amended above to more specifically characterize the claimed assembly as including a plurality of attachments, so dependent claim 35 has been canceled. Claim 30 has also been amended to require that the down bar of each attachment has an enlarged flange, molded around one end of the flexible cord. Consequently, claim 32 has also been canceled. Claim 30 has further been amended to require that the cross-sectional area of the cord is greater than the cross-sectional area

of the down bar, but smaller than the cross-sectional area of the enlarged flange. This feature is mentioned in the application as filed at page 6, lines 3-6 and at page 14, lines 12-14. Claims 38 and 40 have been similarly amended.

As noted above, claim 30 now more particularly defines an assembly of attachments. Each attachment of the assembly is releasably attached to a common spine and is intended to be secured to an article, e.g., by a tagging gun. Such tagging guns are well known, one such tagging gun being schematically illustrated in Figure 5 of the present application.

Typical tagging guns have been designed in order to work with attachments having particular dimensions. Such attachments in the prior art tend to be formed integrally by injection moulding of plastics material. The problems with such attachments, in particular the uncomfortable rigidity of the filament section, are explained already in the present application.

It is a specific aim of the present application to provide an assembly of attachments that provide a more comfortable structure by using, in place of the prior art filament section, a limp flexible cord.

In order to provide suitable comfort to the attachment, and for reasons of overall strength of the attachment, the cord requires a relatively large cross-sectional area. However, as explained above, typical tagging guns are designed to work with attachments having specific, typically smaller, dimensions. The cross bar and down bar of known attachments is intended to be attached through an article by firing the cross bar and down bar through a slotted needle of a tagging gun. This places limits on the cross-sectional area of the cross bar and down bar.

The present invention overcomes the apparent conflict between the need for a narrow cross bar and down bar and a wider limp cord. This is achieved by the provision of an enlarged flange as a part of the down bar, the enlarged flange being moulded

around the end of the cord. This solution provides both the required dimensions of the cross bar and down bar and of the cord, and also ensures suitable strength of connection between the down bar and the cord.

As the Examiner will note, claim 30 requires that each attachment be attached to the common spine by an extension bar extending from the common spine to the cross bar. This requires that the common spine be located at the cross bar end of the attachments, rather than at the terminal member end.

The Examiner relies on Perez (US 3,977,050) to argue that claim 30 is anticipated. However, Perez does not disclose a limp flexible cord formed from several fibre strands that have been twisted together, the cord being without resilient tendency to return to an initial position. Perez does not disclose such a cord explicitly or implicitly or by reference.

In this regard, the Examiner with the benefit of hindsight focuses on the words "string section" in Perez and assumes that a skilled artisan would understand this is meaning a cord within the scope of applicant's claim 30. Applicant respectfully disagrees. Indeed, the skilled reader must necessarily consider the words "string section" in Perez in the context of Perez's disclosure.

Perez explains in the background section (column 1) that the prior art fastener assemblies are formed of polymers such as nylon, polypropylene or polyethylene. These assemblies are formed by moulding and then stretching (see column 1 lines 25-31). However, it is explained that polypropylene fasteners have a disadvantage in that this process causes the crossbars of the fasteners to become misaligned.

The invention in Perez is set out as the composition of the polymer used in the fastener. This is set out in all of the claims and at column 1 line 56 to column 3 line 59. The advantage of these compositions is said to be that the crossbars 25 do not tend to become misaligned during handling and packaging. This is explained as being a result

of the composition of the fastener. It is recommended to add 5% polyester to the nylon used as the main component. Column 2 lines 2-8 has the following guidance:

When the polyester comprises ten percent by weight of the molding material, substantially the same results are obtained, although the strength of the filament is less than when only five percent polyester is used in the molding process. Even greater percentages of polyester can be used but with concomitant reduction in the strength of the filament.

This clearly teaches that the filament is formed of the same material as the other molded parts. In other words, the fastener is integrally formed as a single piece, by moulding a polymer material. This is confirmed by the wording used in claim 1: "A one-piece injection molded fastener assembly...". If this is not the case, how could changing the polymer composition affect the strength of the filament?

The Examiner points to column 4 lines 20-26, which states:

Apparatus 20 uses fasteners 21 which are interconnected to provide a fastener assembly 22. Each fastener 21 includes a crossbar or bar section 25 and a button or head 26 joined by a string section or filament 27. The fastener assembly 22 also includes a rod or holder 22' and separate connectors 28 which connect the respective crossbars 25 and the rod 22'.

The use of the word "string section" here would not be understood by the skilled artisan as suggesting the use of actual "string." Instead, this term is used to assist in describing the part 27, as an adjective would be used. The skilled artisan would understand that the specific embodiment described here is within the scope of at least claim 1. To construe column 4 lines 20-26 as describing a limp flexible cord (as required by applicant's claim 30) would require that the fastener being described is not a "one-piece injection molded fastener assembly", which would therefore be outside the scope of claim 1.

Furthermore, the example described at column 4 lines 39-49 is formed by placing a suitable polymer mixture:

...in an injection molding machine with a suitable mold, as employed in the art, and molded in the conventional manner there were formed fastener assemblies 22...

This is therefore a specific requirement of the described assembly 22, that it be formed by a conventional injection moulding process. As set out in the background section, this process requires moulding of the assembly and then stretching of the filament. The skilled reader would understand that this process could not possibly result in an attachment within the scope of applicant's claim 30, which requires a limp flexible cord formed by twisting fibre strands. The advantages of using a limp flexible cord have been explained previously.

The Examiner points to Webb (US 255480) and Flood (US 2131372 and US 2915177) as evidence of the meaning of the word "string". Firstly, we note that Webb is not concerned with injection moulding, and so would not be considered by the skilled artisan as being of any relevance to Perez. Secondly, Webb is a very old document compared to Perez, and would not be considered as suitable art with which to interpret the meaning of Perez. Similar comments apply to the Flood documents.

For all the reasons advanced above, it is respectfully submitted that Perez, whether taken alone or considered in view of the secondary references, do not teach or suggest a cord as specifically defined in applicant's independent claims.

Claim 30 also requires that there is a common spine attached to the cross bar.

Perez discloses (see Figs 1 and 2) that the assembly includes a common spine 22'. The common spine is attached to a cross bar 25 of each attachment by a respective connector 22. At the opposite end of each attachment is button or head 26. As illustrated in Figs. 5 and 6, it is intended that the common spine 22' and the cross bars 25 are fed through needle 76 using tagging gun 20.

However, present claim 30 requires that the common spine is attached to the cross bar, and that the cross bar is part of a cross-shaped or T-shaped member that also includes a down bar. The down bar has an enlarged flange moulded around the cord. This feature is not shown in Perez. The Examiner points to button or head 26 as having an enlarged flange. However, this is not moulded around a cord and is located at the wrong end of the attachment compared with claim 30. Button or head 26 corresponds instead to the terminal member of claim 30. Perez attaches no importance to the shape of the button or head, and indeed ensures that the cross bar 25 does not have the same shape. The skilled artisan is therefore taught by Perez that it is undesirable to use the shape of the button or head 26 in Perez within the tagging gun.

Therefore, this feature further distinguishes claim 30 from Perez.

The cross bar 25 in Perez would be unsuitable for use with the present invention. In the view of the applicant, a cross bar 25, if moulded around a cord, would not provide sufficient connection between the cross bar and the cord. The connection would be too weak. The present invention avoids this situation by using a cross bar and a down bar, the down bar having an enlarged flange. In this way, a relatively fat cord can be used (for reasons of comfort) and there can be provided a strong connection between the cross bar and the cord. However, the cross bar and the down bar can also be provided with suitable cross sectional areas to allow them to be used with conventional tagging guns. These features provide specific advantages over the prior art that are not taught or suggested by Perez, nor indeed by any other cited prior art documents. For these reasons, claim 30 is not anticipated by nor obvious from the cited references.

Claims 35-36 were rejected under 35 U.S.C. § 103(a) as unpatentable over Perez in view of Wada. Claim 37 was rejected under 35 U.S.C. § 103(a) as unpatentable over Perez in view of Ueno. Claims 38-46 were rejected under 35 U.S.C. § 103(a) as unpatentable over Perez in view of Derringer and Cato. These claims include the above

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discussed features of claim 30 and are therefore submitted to be patentable over Perez taken alone or in combination with the secondary references for the same reasons.

All objections and rejections have been addressed. It is respectfully submitted that the present application is in condition for allowance and a notice to that effect is solicited.

Respectfully submitted,

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